

ney, Hall, Henry, King, Sayers, Tendick, Word and Mr. President—12.

Nays—Senators Ball, Ford, Finlay, Fountain, Ruby, Shelley and Swift—7.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 28, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

Senator Avinger, chairman of the Committee on Counties and County Boundaries, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 411, a bill to be entitled "An act to create the county of Waller," have maturely considered the same, and instruct me to report it back and recommend that it do pass.

H. J. AVINGER, Chairman.

Senator Latimer presented a petition for the relief of A. Dickson and other heirs of James W. Dickson. Read and referred to the Committee on Private Land Claims.

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," together with an amendment to the bill by the House, were taken up, and the amendment concurred in by the Senate.

House bill No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," was read second time, and on motion of Senator Shelley, was made special order for Wednesday next at 10:30 o'clock A. M., and one hundred copies ordered printed.

Senate joint resolution No. 34, "Providing for a vote of the people of the State calling a convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof," was read second time, and on motion of Senator Dohoney, made special order for to-morrow at 10:30 o'clock A. M.

Senate bill No. 246, "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870, and repeal so much of section three of said act as gives an appeal from justices' courts in judgments rendered in cases of forcible entry and detainer," was read third time and passed.

Senate bill No. 32, "An act to establish a jail system and to regulate the jails of the State of Texas," was taken up.

Senator Dillard moved to refer the bill to Judiciary Committee No. 1.

Senator Ruby moved that the Senate resolve itself into a committee of the whole to consider the bill. Lost.

The question recurring upon the adoption of the motion offered by Senator Dillard, the same was put and adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Franks, Gaines, Henry, King, Latimer, Sayers, Shelley, Word and Mr. President—17.

Nays—Senators Ford, Fountain, Hall, Ruby and Tracy—5.

The following bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 468, "An act for the relief of J. Lancaster." Referred to the Committee on Private Land Claims.

House bill No. 242, "An act to secure good bonds from public officers." Referred to Judiciary Committee No. 1.

A message was received from the House informing the Senate that the House had passed House bill No. 358, "An act to make provisions for the better security of public funds."

Senate bill No. 157, "An act declaring certain days herein named to be holidays for the observance of the citizens of the State of Texas," was taken up and read second time.

Senator Avinger proposed to amend the bill by striking out the first day of January. Lost.

Senator Henry proposed to amend by inserting the eighth day of January. Adopted.

Senator Finlay proposed to amend by inserting the seventeenth day of March. The amendment was adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Randle, Sayers, Shelley and Tendick—16.

Nays—Senators Pyle, Ruby, Swift, Word and Mr. President—5.

Senator Dillard proposed to amend by inserting "the first day of April." Adopted.

Senator Tracy moved to amend by inserting "the nineteenth day of June." Adopted.

Senator Dillard moved to amend by inserting "the twenty-first day of July."

Senator Fountain moved to lay the whole subject matter on the table, which was adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Sayers, Shelley, Swift, Tendick, Word and Mr. President—22.

Nays—Senators Franks, Randle, Ruby, Saylor and Tracy—5.

House bill No. 238, "An act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range," together with the report of Judiciary Committee No. 1, recommending that the bill do pass, and the report of Judiciary Committee No. 2 recommending that the bill do not pass, were taken up, and the latter report adopted.

Senator Franks moved to reconsider the vote just taken. Carried.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor to report that I did, on Saturday, the twenty-sixth instant, at 11:30 o'clock A. M., present to his Excellency the Governor, for his approval and signature, the following bills:

Senate bill No. 140, entitled "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas."

Senate bill No. 144, entitled "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas."

Senate bill No. 208, entitled "An act to appoint an agent to take charge of property bequeathed to the State."

of Texas for certain purposes, by Oscar L. Holmes, and carrying into effect said bequest."

H. R. LATIMER, Chairman.

House joint resolution No. 484, in relation to the printing of railroad charters, was read second time and passed to the third reading.

House bill No. 219, "An act concerning proceedings in the district court," together with the report of Judiciary Committee No. 1, recommending that the bill do not pass, was taken up. The bill was read second time and the report adopted.

Senator Finlay in the chair.

Senator Ford moved a suspension of the rules to take up House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed. Lost by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Franks, Hall, Rawson, Ruby and Tendick—11.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Finlay, Henry, Latimer, Pyle, Saylor, Sayers, Shelley, Tracy and Word—13.

The hour having arrived for the consideration of the special order, viz., "An act to reorganize certain Judicial Districts, and to abolish certain Judicial Districts therein named," was taken up.

Senator Baker proposed to amend as follows: Strike out section eleven and insert, "SEC. 11. The counties of Hays and De Witt are hereby attached to the Twenty-second Judicial District."

On motion of Senator Broughton the same was postponed until Thursday next at 11 o'clock A. M.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 268, "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county and to issue and sell the bonds of the county for that purpose."

Senate joint resolution No. 37, granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District.

House bill No. 790, "An act defining a further cause of continuance in civil cases."

House bill No. 782, "An act providing for permanently locating the County seat of Robertson county."

The hour having arrived for the special order, viz., Senate bill No. 172, "An act to provide for the assessment and collection of taxes on railroad companies,"

On motion of Senator Dohoney the same was postponed until Friday next at 11 o'clock A. M.

On motion of Senator Shelley Senator Latimer was granted an indefinite leave of absence after the tenth of May.

The hour having arrived, the special order was taken up, viz., House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871," was taken up and read second time.

Senator Sayers proposed to amend the bill as follows: Amend section six by adding to the end thereof the following: "And he shall procure all necessary blank forms and certificates at the expense of the county." The amendment was adopted.

The bill was then read third time and passed.

On motion of Senator Flanagan the rules were suspended to take up out of its order House bill No. 790, "An act defining a further cause of continuance in civil cases." The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed.

House bill No. 399, "An act to provide for the registration of births," was taken up and read second time; rules suspended, read third time and passed.

On motion of Senator Franks the rules were suspended to take up out of its order House bill No. 411, "An act to create the county of Waller." The bill was read second time; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Word and Mr. President—22.

By leave, Senator King introduced a bill to be entitled "An act for the relief of G. Hoffmann." Read first time and referred to the Committee on Private Land Claims.

By leave, Senator Tracy introduced a bill to be entitled "An act to incorporate the Crittenden Business College of Texas." Read first time and referred to Committee on State Affairs.

On motion of Senator Henry, the rules were suspended to take up out of its order House bill No. 23, "An act to create and provide for the organization of the county of Gregg."

The bill was read second time and passed to third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Shelley, Swift, Tendick, Tracy and Word—27.

A message was received from the House informing the Senate that the House had passed Senate bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean."

Also, that the House had concurred in the amendments of the Senate to House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of rail roads, and other works of internal improvement, approved April 12, 1871."

Senator Dohoney moved to suspend the rules to take up Senate bill No. 203, "An act to incorporate the St. Louis and Mexican Gulf Railroad, and to grant lands in aid of the construction thereof."

Senator Fountain moved that the bill be postponed until Saturday next at 11 A. M., and that one hundred copies of the bill be ordered printed.

The motion was lost by the following vote:

Yeas—Senators Dillard, Ford, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Tendick and Tracy—10.

Nays—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Finlay, Flanagan, Franks, Henry, King, Latimer, Pyle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—19.

On motion of Senator Dohoney, the bill and substitute were postponed until Thursday next, at 11 o'clock A. M., and one hundred copies ordered printed.

On motion of Senator Avinger, House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean," was taken up, referred to the Committee on Internal Improvements, and one hundred copies of the bill ordered printed.

On motion of Senator Tracy, the rules were suspended to take up a resolution in relation to the mileage of the sergeant-at-arms.

The resolution was read, and the amendment reported by the Committee on Finance adopted.

The resolution, as amended, was then adopted.

On motion of Senator Broughton, the rules were suspended to take up Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands in aid of the construction thereof," was taken up, made special order for Wednesday next at 12 o'clock M., and one hundred copies ordered printed.

On motion of Senator Fountain, the rules were suspended to take up Senate bill No. 275, "An act to organize the county of Green."

The bill was read second time.

Senator Fountain offered the following amendment: Amend by substituting for section four the following:

"SEC. 4. That until changed in the manner prescribed by law, the county seat of said county of Green shall be located at the town of Ben Ficklin."

Adopted.

The bill as amended was then ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Baker, the rules were suspended to take up House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871."

Senator Dohoney moved to postpone the consideration of the bill until Saturday next at 11 o'clock, and that one hundred copies be ordered printed. Lost.

On motion of Senator Shelley, the bill was postponed

until Thursday next at 11 o'clock A. M., and one hundred copies ordered printed.

On motion of Senator Finlay, House bill No. 126, "An act for the relief of A. S. Thurmond," was taken up and referred to the Committee on Private Land Claims.

Senator Ruby offered the following resolution:

WHEREAS, The members of Congress from the State of Texas, to wit, Hon. W. S. Herndon, Hon. John C. Connor, Hon. D. C. Giddings and Hon. John Hancock, have been grossly censured by the press of this State, without regard to politics, for the vote cast by them in sustaining the bill increasing their pay, and giving them back pay extending to a time prior to their election; therefore be it

*Resolved by the Senate of the State of Texas, the House concurring,* That the honorable members of Congress above named only did that was just and proper, and that they were in equity entitled to the same, thus voted to themselves by themselves; and we hereby endorse the action of our Representatives in Congress as just and equitable.

Senator Fountain moved to lay the resolution on the table. Lost by the following vote:

Yeas—Senators Dohoney, Fountain, Hall, Randle, Ruby, Saylor, Tracy, Word and Mr. President—11.

Nays—Senators Avinger, Broughton, Cole, Dillard, Ford, Finlay, Flanagan, Franks, Gaines, Henry, King, Latimer, Pyle, Rawson, Sayers, Shelley and Tendick—17.

Senator Broughton moved to indefinitely postpone the resolution.

On motion of Senator Franks, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, April 29, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

On motion of Senator Ford, the journal was corrected.